

REFERENCE TITLE: **sex offender residency restrictions**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

# **HB 2500**

Introduced by  
Representative Nelson

AN ACT

AMENDING SECTION 13-922, ARIZONA REVISED STATUTES; RELATING TO PROBATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 13-922, Arizona Revised Statutes, is amended to  
3 read:

4           13-922. Persons convicted of sexual offenses; residency  
5           restrictions; exceptions; definitions

6       A. An adult probation officer shall not approve the residence of a  
7 probationer who has been convicted of a felony offense that requires the  
8 probationer to register pursuant to section 13-3821 in any multifamily  
9 dwelling unless the number of probationers who are required to register and  
10 who reside in the multifamily dwelling is less than ~~ten~~ FIVE per cent of the  
11 number of dwelling units that are contained in the multifamily dwelling. Not  
12 more than one probationer who is classified as a level three offender  
13 pursuant to sections 13-3825 and 13-3826 shall reside in a multifamily  
14 dwelling.

15       B. Subsection A of this section does not apply to any of the  
16 following:

17           1. A person who was convicted of a sexual offense and who was placed  
18 on probation before ~~the effective date of this section~~ AUGUST 12, 2005 until  
19 that person changes residence.

20           2. A person who resides in a residential treatment facility or a  
21 person who participates in a supervised program that provides transitional  
22 services, including diagnostic evaluation, behavioral, medical, psychiatric,  
23 psychological and social service care.

24           3. A juvenile who resides with a parent or guardian.

25           4. A multifamily dwelling in an industrial or commercial zone.

26           C. This section does not limit the court's discretion to prohibit or  
27 restrict, as a condition of probation, a person who is convicted of a sexual  
28 offense from residing in any multifamily dwelling.

29           D. A public entity or an employee of a public entity is not liable for  
30 any failure to prevent a violation of this section unless the public  
31 employee, acting within the scope of the public employee's employment,  
32 intended to disregard the provisions of this section or to cause injury or  
33 was grossly negligent.

34           E. This section applies only in counties with a population of more  
35 than two million five hundred thousand persons.

36           F. For the purposes of this section:

37           1. "Multifamily dwelling" means a building or buildings that are  
38 located in an area zoned residential, that are attached to each other, that  
39 contain two or more dwelling units, including triplexes, fourplexes and  
40 apartments, and that have as their primary access a common hallway or  
41 corridor.

42           2. "Multifamily dwelling unit" means one or more rooms within a  
43 building that are arranged, designed or used for residential purposes and  
44 that contain independent sanitary and cooking facilities.

1           3. "Residential treatment facility" means a residential facility that  
2 provides any service or care, including diagnostic evaluation, behavioral,  
3 medical, psychiatric, psychological and social service care, vocational  
4 rehabilitation or career counseling, to residents and that is licensed by  
5 this state or a political subdivision of this state.